## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	)				
	Plaintiff,	) 8:06CR214 )				
	vs.	) DETENTION ORDER				
FR	ANCISCO PEREZ,	)				
	Defendant.	)				
A.	Order For Detention  After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on July 7, 2006, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).					
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>					
C.	distribute methamphetam carries a minimum sent maximum of forty year methamphetamine (Cour years imprisonment and and an additional distribution carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent Counts II and III in violation carries a maximum sent carries a maxi	s Report, and includes the following: c offense charged: to distribute and possess with intent to ine (Count I) in violation of 21 U.S.C. § 846 ence of five years imprisonment and a ars imprisonment; the distribution of int II) carries a minimum sentence of five a maximum of forty years imprisonment oution of methamphetamine (Count III) ence of twenty years imprisonment, both on of 21 U.S.C. § 841(a)(1). violence. arcotic drug. ge amount of controlled substances, to wit:  inst the defendant is high. of the defendant including:  ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. does not have any significant community				

## DETENTION ORDER - Page 2

			COL	e defendant has a prior record of failure to appear at urt proceedings.
		(b)		of the current arrest, the defendant was on:
				bbation
				role
				lease pending trial, sentence, appeal or completion of
		(0)		ntence.
		(C)	Other Factor X Th	
				e defendant is an illegal alien and is subject to cortation.
				e defendant is a legal alien and will be subject to
				portation if convicted.
				e Bureau of Immigration and Custom Enforcement
				CE) has placed a detainer with the U.S. Marshal.
				ner:
~	(4)	Tho r	noture and	cariouspage of the danger paged by the defendant's
	(4)	roloas	ialure and so are as folk	seriousness of the danger posed by the defendant's bws: The nature of the charges in the Indictment and the
				ance abuse history.
		delen	dani 3 Subsit	ance abase mistory.
Χ	(5)	Rebu	<u>ttable Presu</u>	imptions
	` '			the defendant should be detained, the Court also relied
				outtable presumption(s) contained in 18 U.S.C. § 3142(e)
				nds the defendant has not rebutted:
	X	(a)		ondition or combination of conditions will reasonably
				appearance of the defendant as required and the safety
				person and the community because the Court finds that
			the crime in	
				A crime of violence; or
			(2)	An offense for which the maximum penalty is life
			_X_ (3)	imprisonment or death; or A controlled substance violation which has a maximum
			(3)	penalty of 10 years or more; or
			(4)	A felony after the defendant had been convicted of two
			(')	or more prior offenses described in (1) through (3)
				above, and the defendant has a prior conviction for one
				of the crimes mentioned in (1) through (3) above which
				is less than five years old and which was committed
				while the defendant was on pretrial release.
<u>X</u> (b)		That no co	ondition or combination of conditions will reasonably	
		_		appearance of the defendant as required and the safety
				munity because the Court finds that there is probable
			cause to be	lieve:
			<u>X</u> (1)	That the defendant has committed a controlled
				substance violation which has a maximum penalty of
				10 years or more.
			(2)	That the defendant has committed an offense under 18
				U.S.C. § 924(c) (uses or carries a firearm during and in
				relation to any crime of violence, including a crime of
				violence, which provides for an enhanced punishment
				if committed by the use of a deadly or dangerous
				weapon or device).

## **DETENTION ORDER - Page 3**

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 7, 2006. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge